

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Government.

v.

Case No. 15-20040

TASHUN WHITE,

Defendant.

JURY TRIAL PROCEEDINGS - AFTERNOON SESSION

VOLUME 2

BEFORE the HONORABLE JUDITH E. LEVY
United States District Judge
110 US Courthouse & Federal Building
200 W. Liberty Street
Ann Arbor, Michigan 48104
Thursday, November 29, 2016

APPEARANCES:

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E X H I B I T S

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MARKED

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None Marked, Offered or Received

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 Detroit, Michigan

2 November 29, 2016

3 2:05 p.m.

4

5 (Whereupon the jury was brought out

6 in the courtroom at 2:05 p.m.)

7

8 THE COURT: Thank you, members of the jury. I

9 apologize for the break lasting longer then I thought.

10 We have Agent Campbell on the witness stand, he's

11 still under oath from before.

12 THE WITNESS: Yes, Your Honor.

13 DIRECT EXAMINATION (continuing)

14 BY MR. GILMER-HILL:

15 Q Thank you.

16 Agent Campbell, I believe just before the break you

17 had begun to comment on the execution of an arrest

18 warrant and search warrant with regard to Derrick White

19 at an apartment. Is that correct?

20 A Yes, sir.

21 Q And where was the apartment located?

22 A 432 South Washington, Royal Oak, Michigan,

23 Apartment 1302.

24 Q And I believe you also indicated the date we're

25 talking about was the arrest on October 3, 2015?

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A Yes, sir.

2 Q And that was the date of Derrick White's arrest?

3 A Yes, sir.

4 Q And on that date, when you searched Derrick White's
5 apartment, could you tell us, give us an idea what did
6 you find?

7 A Derrick White was located and arrested in the
8 apartment detailed search of the apartment led to a
9 seizure of bulk cash and high end assets to include
10 jewelry, keys to three different vehicles, two vehicles.

11 Q So with regard to the jewelry, do you have an idea
12 as to the approximate value of the jewelry you seized
13 from Derrick White's apartment?

14 A The jewelry, just from his apartment, was appraised
15 over numerous hundreds of thousands of dollars in value.

16 Q And did you -- you mentioned some keys.

17 You mentioned some vehicle, keys?

18 A Yes, sir.

19 Q Were there any other keys that were found at the
20 apartment?

21 A Keys to a safe deposit box were found hidden in
22 couch cushions.

23 Q And so -- along with executing the search warrant
24 on the apartment was there a search done of that safety
25 deposit box?

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A There was.

2 Q Were there other safety deposit boxes that were
3 associated with Mr. White?

4 A Yes, sir.

5 Q Did you search those as well?

6 A We did.

7 Q Where were the -- what states were the safe deposit
8 boxes located?

9 A Two were in Michigan one was in California.

10 Q And, approximately, where in California?

11 A Los Angeles.

12 Q The Los Angeles area, metropolitan Los Angeles?

13 A Yes, sir.

14 Q So between the safety deposit boxes in Michigan and
15 Derrick White's apartment -- well, what was found in the
16 safety deposit boxes in Michigan?

17 A First one was still in his name still paid for
18 up-to-date, it was found to be empty.

19 The second one which was searched pursuant to a
20 search warrant after locating the keys hidden in the
21 couch we seized jewelry, high end jewelry, which
22 appraised around \$500,000.

23 Q Was that in combination with the jewelry taken from
24 the house?

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A Separately.

2 Q Did the jewelry that was seized from Mr. White
3 include watches?

4 A Yes, sir.

5 Q Did it include necklaces?

6 A Yes, sir.

7 Q Pendants?

8 A Yes.

9 Q You indicated that there were keys seized, keys to
10 automobiles that were seized from Derrick White's
11 apartment.

12 Q Could you tell us was one of the -- were there keys
13 for the vehicle you described earlier in your testimony
14 as being parked in a parking space for Derrick White's
15 apartment?

16 A Yes, sir, the town and country.

17 Q That was the vehicle that had a trap in it?

18 A Yes, sir.

19 Q You mentioned bulk cash.

20 A Yes.

21 Q Approximately, how much money in cash was seized
22 from Derrick White's apartment?

23 A Approximately, \$2.6 million.

24 Q Did you also seize any real estate paperwork?

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A Yes, sir.

2 Q What was the nature of the real estate paperwork
3 that was seized from Derrick White's apartment?

4 A It was in the name of Ace Five Properties, a
5 business that Derrick had started and totaled,
6 approximately, 20 what appeared to be investment
7 properties throughout the Detroit Metropolitan area.

8 Q Were you able to ascertain -- well, beyond the
9 paperwork, did you follow up with regard -- did you
10 further investigate the information referenced in the
11 paperwork referencing these properties in the Detroit
12 area?

13 A Yes, sir.

14 Q And through your investigation, were you able to
15 ascertain, approximately, when Derrick White's company
16 is five investments had acquired these properties?

17 A I believe it was, approximately, one month before
18 the search warrant which was in October 2015.

19 Q So a month before sometime around September?

20 A Yes, sir.

21 Q Sir, if you would please draw your attention to the
22 exhibit book, I'd like to quickly run us through some of
23 the images depicted in the exhibit book.

24 MR. GILMER-HILL: I believe, Your Honor, these
25 items have already been admitted; is that correct?

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 THE COURT: Yes.

2 BY MR. GILMER-HILL:

3 Q So publishing -- drawing your attention first to
4 Exhibit 1C1.

5 Could you tell us is that an item seized from
6 Derrick White's apartment?

7 A Yes, sir.

8 Q What is it?

9 A It's material used to package narcotics or drug
10 proceeds, it's rubber bands, vacuum seal bags in the
11 heat-sealed vacuum sealer machine.

12 Q What's C2? Show us what's depicted there.

13 A Here we're standing in the kitchen of Derrick's
14 apartment and the white cabinets are the face of the
15 kitchen island.

16 Underneath the bottom of the picture you'll see a
17 black boot directly in front of that it's a silver bar
18 that's the toe kick which was affixed to the island.

19 We had a canine alert positive to the odor of
20 narcotics on that island and we removed the kick plate
21 and removed from underneath the island which stood on
22 about four-inch legs were those bundles and boxes and
23 bags ahead of that toe kick.

24 Q Those items being -- looks like a green bag, a
25 white bag, a not container wrapped?

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A It's actually a like blue fleece container.

2 Q And what was contained within those containers?

3 A Approximately, \$400,000 cash.

4 Q Draw your attention to 1C3.

5 What's depicted in 1C3?

6 A This is packaging being removed from the cash as it
7 sits on top of the kitchen island.

8 Q Okay. These packages you indicate were removed
9 from underneath the island where they were concealed?

10 A Yes, sir.

11 Q Correct?

12 Did you discover currency in plain view in the
13 apartment?

14 A Yes, sir.

15 Q Drawing your attention to 1C4, could you tell us
16 what's depicted in 1C4?

17 A Cash, Cayenne watch, numerous telephones.

18 This is on an ottoman in the living room.

19 Q And when you say "cash", you're referring to looks
20 like three separate bundle or wads of cash?

21 A Yes, sir.

22 Q And at least as to the center bundle, could you
23 tell us -- well, looks like it was bundle of \$100 bills?

24 A Well, the first one's at least a hundred.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 Q Good enough. 1C5.

2 A Bag located in the apartment containing cash.

3 Q 1C6?

4 A In the ottoman, a paper bag containing cash.

5 Q 1C7?

6 A Excuse me, not the ottoman. This is a couch in the
7 living room. Flip the armrest, cash inside.

8 Q And 1C8?

9 A This is going to be the accumulation of cash that
10 we seized from his apartment on that day, approximately,
11 \$2.6 million in evidence bags.

12 Q Keep going then 1C9?

13 A This will be the night stand in his bedroom next to
14 the bed where he was located when we executed the search
15 warrant it's a high end watch his primary telephone and
16 a necklace with a gold pendent.

17 Q 1C10, is that a closer up view, picture, of that
18 same watch?

19 A Yes, sir.

20 Q And on the -- what's that on the front -- on the
21 front of the watch face of the watch circling the watch?

22 A Appears to be diamonds surrounding the face of the
23 watch.

24 Q 1C11.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A It's going to be from the night stand as well
2 that's the solid gold chain necklace pendent.

3 Q 1C12?

4 A Diamond encrusted pendent found in the apartment.

5 Q 1C13, these additional items seized from the
6 apartment?

7 A Yes, sir.

8 Q Yet different watches?

9 A Each different, yes.

10 Q And, yet, different from the earlier watch that we
11 were just discussing in 1C10, correct?

12 A Yes, sir. This is the first time we're seeing any
13 of these items.

14 Q 1C14?

15 A That's going to be the safe deposit box.

16 Keys were located inside of this Fifth Third Bank
17 bank envelope between the couch cushions which the
18 envelope is sitting on.

19 Q Backing up a step as to the watches and jewelry.

20 Were any of those items found in just out in the
21 open plain view in the apartment?

22 A Some were, yes.

23 Q More than just that first single watch?

24 A Yes, sir.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 Q 1C15?

2 A So this is the contents of the bag that was
3 recovered from the couch.

4 Q And what's -- what were contents of the envelope --
5 you say "bag."

6 Are you referring to the Fifth Third envelope?

7 A Yes, sir.

8 Two identical safe deposit box keys. The one on
9 the left is stamped 420. It was a safe deposit box 420
10 at Fifth Third bank in Royal Oak.

11 Q Is that -- was that one of the safe deposit boxes
12 that were searched?

13 A Yes, sir.

14 Q 1C16?

15 A This is packaging that contained the jewelry, some
16 jewelry.

17 Q 1C17. I'm sorry. 1C18.

18 A So, yes. Contents of the safe deposit box
19 utilizing the box 420 key.

20 Q And?

21 A More of the same box 420.

22 Q That's 1C18. And 1C19.

23 A More of the same.

24 Q Let's, let's move ahead a bit.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 How about 1C22.

2 A Gold chain and pendent from Box 420.

3 Q And 1C24?

4 A I don't know if that's gold, but precious minerals
5 chain and pendent.

6 Q Was that a piece of jewelry that came out of the
7 safe deposit box?

8 A Box 420. Yes, sir.

9 Q And do you see a date and information that's
10 inscribed on that pendent?

11 A Yes, sir.

12 Q What does it says?

13 A It's date -- two dates are on it followed by RIP in
14 the bottom with religious cross in the middle.

15 Q Dates, 10-2-70 and the bottom is 2-10-10. 1C25.

16 A Previous ones on the left and then one we've seen
17 for the first time on the right.

18 Q More jewelry from the safe deposit box?

19 A Yes, sir. Box 420.

20 Q 1C27 does that fairly depict the number of watches
21 and pendent that came from the safety deposit box?

22 A Yes, sir.

23 Q And those are separate from the watches and jewelry
24 that came from the apartment, correct?

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A Yes, sir.

2 Q You mentioned earlier we talked about watches,
3 jewelry, necklaces, keys, anyways -- I believe -- in
4 fact, one of the earlier pictures you mentioned a
5 personal telephone or primary cell phone of Derrick
6 White?

7 A Yes, sir.

8 Q Were there any other cell phones seized from
9 Derrick White's apartment?

10 A Yes, sir.

11 Q More than one?

12 A Oh, yes.

13 Q Draw your attention to 1C28.

14 A This is one evidence exhibit and also just a
15 portion of the cell phones that were seized from his
16 apartment. This is out of one drawer in the kitchen.

17 Q 1C29.

18 A That's affixed to the back of one of the telephones
19 and appears to what would have been telephone number
20 associated with that device.

21 Q When you say that's affixed, are you referring to a
22 label with telephone number written on it?

23 A Yes, sir.

24 Q Have you encountered instances like this in the
25 course of your experience investigating drug offenses?

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 A Yes, sir.

2 Q Turning your attention to 1C30.

3 What's depicted there?

4 A That's a security save in the walk in closet to
5 Derrick White's apartment.

6 Q So is that when you say in a closet, is that in a
7 bedroom?

8 A Yes. It was a one bedroom unit and Derrick
9 utilized that bedroom. This is the attached to the
10 walk-in closet.

11 Q And a safe inside of the walk-in closet?

12 A Yes, sir.

13 Q Were you able to access the safe?

14 A Yes.

15 Q What came out of the safe?

16 A Approximately, \$2.2 million in cash.

17 Q A portion of was a portion of that what was
18 depicted in the earlier exhibit that we looked at with
19 the items that came from underneath the kitchen island
20 and from other points in the apartment 1C8?

21 A Yes. This would have been combined with one of
22 those cumulative photos one we showed from all the money
23 seized from the apartment. Yes, sir.

24 Q Okay. So 1C8.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 1C8 is an accumulation of all cash came from the
2 apartment?

3 A Yes, sir.

4 Q So as to that save were you -- was there -- well,
5 what's depicted in 1C31?

6 A It wasn't found like this when we opened the door.

7 But upon removing the 2.2 million approximate cash
8 we found a receipt located at the bottom of the safe
9 underneath all of the cash.

10 Q And, sir, obviously, the safe is depicted in this
11 exhibit is -- does not contain the cash, correct?

12 A Correct.

13 Q When -- did you see the safe when it did contain
14 the cash that came out of it?

15 A Photograph of the safe once the door's initially
16 opened.

17 Q Can you describe what the safe looked like when it
18 was filled with cash?

19 A Yes. It was described as being so full that you
20 couldn't fit another bill in there because it was
21 stuffed and packed and it was difficult to initially
22 start to remove the cash to get your fingers in there to
23 be able to pull it out.

24 Q And drawing your attention to 1C32.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 Is that a copy of the receipt that came out of the
2 bottom of the safe?

3 A It is.

4 Q Does it indicate a name on the -- what does it
5 appear to be a receipt for?

6 A Purchase of the safe \$1995 delivery 225 and maybe
7 the upgrade of an electronic lock.

8 Q So that information from the receipt \$2500 safe?

9 A Yes, sir. I think it's 2420 with taxes included on
10 that.

11 Q Does the safe indicate whose save it is?

12 A Upper left says D which is D White.

13 Q D White. Save D White's money who?

14 A Yes, sir.

15 Q Turn your attention to 1C33.

16 Are those the car keys -- are those car keys and
17 receipt?

18 A A portion of it, yes.

19 Q And you earlier mentioned a Town and Country
20 minivan, correct?

21 A Yes, sir.

22 Q Turn your attention to 1C35, please.

23 Is that the van?

24 A It is.

25

Jeffrey Campbell-Direct Exam/Mr.Gilmer-Hill (cont.)

1 Q And 1C36. Is that the license for the van?

2 A It is.

3 Q What do images in 1C37 and 138 and 1C39 depict?

4 A So I'm using a scope camera here.

5 It's a device we use to look into tight areas to
6 handheld display unit.

7 It's affixed to make like an 18-inch cord.

8 At the end of it, it's got a small camera.

9 What I did is, we followed a power cord back to the
10 rear bumper, x-rayed the vehicle and determined that
11 there was some kind of void and suspicious compartment
12 in that area.

13 To view it better, we used a scope camera. The one
14 on the left depicts in that monitor a long shot view of
15 that trap, the hidden compartment, and the one on the
16 right depicts the piston much as before we looked at the
17 actuator gain access in to the void.

18 When you found the safe and opened its content
19 phoned it actually -- let me back up.

20 Q Did Derrick White -- was Derrick White present when
21 most of these seizures occurred?

22 A Yes.

23 Q Did he react to the cash and jewelry and cell
24 phones and car keys being seized from his apartment?

25

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 A He did.

2 Q How did he react?

3 A The cash and the safe. Initially he claimed he
4 didn't even know the safe was in there.

5 Cash underneath the island claimed to have no
6 knowledge, disappointed that he missed it when he moved
7 on because the previous tenant left it there.

8 The car keys; he accounted for those vehicles as
9 being his.

10 Phones were his, but couldn't explain why he had so
11 many.

12 Q Did you -- did you inquire of Mr. White about the
13 location of any other vehicles?

14 A Yes, sir.

15 Q Did Mr. White provide information that allowed you
16 to locate any other vehicles?

17 A Did not.

18 MR. GILMER-HILL: No further questions at this
19 time, Your Honor.

20 THE COURT: Okay. Mr. Jordan, do you have any
21 cross examination?

22 MR. JORDAN: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. JORDAN:

25 Q Good afternoon, Agent Campbell.

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 A Good afternoon, sir.

2 Q Agent Campbell, how long have you been an officer?

3 A With the DEA?

4 Q Just an officer in general.

5 A I've been in law enforcement since 2002.

6 Q So about 14 years?

7 A Yes, sir.

8 Q And have you always been with the Drug Enforcement
9 Agency?

10 A Have not.

11 Q Who were you with prior?

12 A City of Wixom Police Department.

13 Q Did you, as a City of Wixom Police Officer, did you
14 investigate drug crimes there as well?

15 A Yes.

16 Q Okay. Probably nothing as big as this case,
17 though, right?

18 A No, sir.

19 Q When did you go to DEA?

20 A September 2008.

21 Q So you've been with the DEA now for about eight
22 years?

23 A Yes, sir.

24 Q And when your investigation of Derrick White
25 started, that would have been what year?

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 A 2010.

2 Q And all of this started with the stop of McWherter
3 and Hale?

4 A No, sir.

5 Q Well, with some information about McWherter and
6 Hale, correct?

7 A Yes, sir.

8 Q Then that led to their being stopped and
9 essentially that got the ball rolling; would that be
10 fair to say?

11 A Yes, sir.

12 Q Now when you went to work for the DEA, obviously,
13 you'd already had some law enforcement experience or
14 training, but they probably sent you to do some more
15 training. Correct?

16 A Yes, sir.

17 Q And so you learned how to investigate drug
18 trafficking and high level drug dealing; would that be
19 fair to say?

20 A Yes, sir.

21 Q And as far as sophistication of this particular
22 operation involving Mr. White, it would be pretty
23 sophisticated; would that be fair to say?

24 A Yes.

25

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 Q How many people were actually involved with this
2 operation?

3 A From the onset?

4 Q Yes.

5 There was Mr. White himself, correct?

6 A I see. I thought you meant on the investigative
7 side as far as their organization.

8 Q I'll go through it.

9 Mr. White, McWherter, Hale, Leshoun.

10 And Leshoun is a man, correct?

11 A Yes, sir.

12 Q LaShawn White?

13 A Leshoun Byrd.

14 Q And who else?

15 A From 2010 to what point? How far ahead?

16 Q Up until they were indicted, up until the
17 indictments.

18 A Countless people. If you want --

19 Q Let's talk about the people that were on this
20 indictment.

21 Can we talking about the ones on this indictment?

22 Who was on this indictment?

23 A I'm sorry. If I can start over?

24 Q Please do.

25

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 A Derrick White, Leshoun Byrd, Tashun White, Christi
2 McWherter --

3 Q I'm sorry. Christi?

4 A Christi McWherter, Jimmy McWherter, Nicholas Hale
5 and Gregory Johnson.

6 Q All of those were on the indictment that Ms. White
7 was on, correct?

8 A Yes, sir.

9 Q Now Derrick White's role would it be fair to say
10 was probably the head of this organization?

11 A Yes, sir.

12 Q By the way, did this organization have some kind of
13 name? Did they name themselves something?

14 Sometimes drug traffickers will have, like, I don't
15 know Cheddar Boys or something like that, correct?

16 A That is correct.

17 And in this instance, nothing was kind of common
18 throughout, though.

19 Q No formal, okay.

20 So Derrick White was -- would it be fair to say he
21 was probably the head, correct?

22 A Yes, sir.

23 Q Who was LaShawn's role?

24 A Derrick White's right-hand man if you would. Very
25 close working tightly with Derrick.

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 Q Do you ever watch The Sopranos?

2 A Just parts.

3 Q They had Tony and they had the right-hand man who
4 was Christopher.

5 In any event, would have been his right-hand man,
6 correct?

7 A Yes, sir.

8 Q Then what about Christi McWherter?

9 A Her role?

10 Q Yeah. Is she married to Jimmy McWherter?

11 A Yes, sir.

12 Q So was her role kind of along with Jimmy? She did
13 things along with him?

14 A Well, she was involved with the money side.

15 Q Okay. Be specific.

16 What did she do with the money? Did she actually
17 transport it to Arizona?

18 A No, sir. From memory, I don't know if she left
19 Michigan ever, but located in Michigan, she would handle
20 the drug proceeds.

21 Q And by the way, you know this from talking to her
22 husband or she admitted this to you herself?

23 A Both.

24 Q So Christi would handle the money.

25

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 What about Jimmy McWherter?

2 A Jimmy McWherter was in charge of everything. He
3 had a part in everything; traveling cross country to
4 transport bulk, cash bulk, marijuana, purchase assets.

5 Q So he was pretty central to this organization;
6 would it be fair to say?

7 A Yes, sir.

8 Q Because he actually moved some of the product and
9 he also handled some of the profit, correct?

10 A Yes, sir.

11 Q Some of the money.

12 A Yes, sir.

13 Q By the way, Christi and Jimmy McWherter, their,
14 their ability to live was based on the proceeds from
15 this operation; wouldn't it be fair to say?

16 A Yes, sir.

17 Q Because during that period of time although they
18 had some business -- what was it called P and what
19 engineering?

20 A They had Prototype Engineering, DeVinci Motors.

21 Q Prototype and DeVinci Motors, both, would it be
22 fair to say were a front so they could do what they were
23 doing with Derrick, correct?

24 A Yes, sir.

25

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 Q As a matter of fact, I think I saw on your
2 transcript that somewhere where the company either, one
3 of them, the most they probably made was what five to
4 \$15,000?

5 A As minimal. Yes, sir.

6 Q So let's move on to Nicholas Hale.

7 What was Nicholas Hale's role?

8 A I would maybe classify him as a right-hand man to
9 Jimmy who did much in the same as Jimmy but not of a
10 significant role as Jimmy.

11 Q Do you know if Nicholas took direction from Jimmy
12 or did he take direction from Derrick, Leshoun or all
13 three?

14 A All three.

15 Q Okay. Nicholas and you described some of his
16 actions.

17 He would leave the state as well, correct?

18 A Yes, sir.

19 Q And when he left the state sometimes it would be
20 with either drugs or with money?

21 A Yes, sir.

22 Q What about Gregory Johnson, his role?

23 A He would assist in the Phoenix, Arizona area with
24 obtaining the marijuana and handling the cash for the
25 marijuana in that area.

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 Q By the way, Nicholas' role that came directly from
2 Nicholas' mouth.

3 He told you what he had done, correct?

4 A Among others, yes.

5 Q Greg Johnson, did he talk about his role as well or
6 did all of his information come from others?

7 A He didn't sparingly, but primarily others.

8 Q Now all of these people except for Tashun have
9 plead guilty, correct?

10 A Yes, sir.

11 Q When they plead guilty, did they sit down, do like
12 a debriefing, give you even more information what they
13 had done?

14 A Yeah. I'm reluctant on one of those to say yes,
15 but they did meet with us.

16 Q Why are you reluctant on one of those to say yes?
17 Did one not want to talk to you?

18 A When you say "information," information was
19 provided but it was, again, sparingly.

20 Q Which person was that?

21 A Greg Johnson.

22 Q But, nevertheless, Greg Johnson has plead, correct?

23 A Yes, sir.

24 Q All these people that have plead, have they been
25 sentenced or awaiting sentence?

Jeffrey Campbell-Cross Exam/Mr. Jordan 11-29-16

1 A All awaiting sentencing.

2 Q Any of these people awaiting sentencing, are any of
3 their sentences going to be based on whether or not they
4 come and cooperate here in court?

5 A There's a cooperation letter.

6 Q With who?

7 A I know for sure Jimmy McWherter and Nicholas Hale.

8 Q And these cooperation agreements you know how they
9 work based on your experience.

10 If you give cooperating --

11 THE COURT: Mr. Jordan, just a second.

12 We have somebody who joined us. We're a court of
13 public record, everyone's welcome to be here.

14 If you're a witness in this case, then we'd ask
15 you -- that you -- okay. That's all I needed to know,
16 sir. Go ahead.

17 But Mr. Gilmer-Hill, did you stand up for another
18 reason?

19 MR. GILMER-HILL: Yes, to object, Your Honor.
20 Objection, speculation and foundation.

21 THE COURT: Let's see how much he knows about
22 this. I don't know how much the agent is going to know
23 about this portion of it.

24 BY MR. JORDAN:

25 Q Agent Campbell, you are the -- are you the primary

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1 agent on this case?

2 A Yes, sir.

3 Q So, obviously, you work in tandem with the
4 prosecutor when you are dealing with defendants,
5 correct?

6 A Yes, sir.

7 Q Including when it comes time for a defendant to
8 plead guilty if they choose to do so.

9 You still work with the prosecutor, right --

10 A Yes.

11 Q -- in terms of sitting down and debrief or getting
12 whatever information, right?

13 A Yes, sir.

14 Q You don't want someone to come to court, plead
15 guilty, but lie about what they did, correct?

16 A Correct.

17 Q With respect to all of the defendants, all of them
18 are awaiting sentencing, correct?

19 A Yes, sir.

20 Q Have all of them sat down and debriefed with you or
21 with somebody from your office?

22 A Again to an extent, yes.

23 Q Now in doing these debriefings, did Ms. White's
24 name ever come up with respect to Derrick White when.

25

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1 you talked to him?

2 A I believe it was mentioned by one of the
3 individuals.

4 Q Which one?

5 A Greg Johnson.

6 Q Okay. And did Greg tell you he ever told
7 Ms. Tashun White to do anything as relates to this
8 enterprise?

9 A He never indicated that.

10 Q As a matter of fact, none of these people ever
11 mentioned that they told Tashun White to do anything; is
12 that correct?

13 A Correct.

14 Q Now you executed a search warrant at Derrick
15 White's residence, correct?

16 A Correct.

17 Q When you execute that search warrant, you don't
18 give somebody a phone call so that they know you're
19 coming.

20 You knock on the door, go in, right?

21 A Yes, sir.

22 Q That's what you did here, correct?

23 A Here for what?

24 Q When you executed the search warrant for Derrick.

25

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1 A Yes, sir.

2 Q In Royal Oak?

3 A Yes, sir.

4 Q What time of day or flight was it you went there?

5 A Approximately, 6:30 a.m.

6 Q Okay. Is there a tactical advantage to going that
7 early?

8 You kind of want to catch somebody off guard, don't
9 you?

10 A Yes, sir.

11 Q You want to do that for your safety as well as
12 because you don't want that person to hide anything,
13 correct?

14 A Yes, sir.

15 Q You also executed a search warrant or perhaps it
16 wasn't a search warrant, but it -- you did go to Tashun
17 White's residence did you not?

18 A Yes, sir.

19 Q When you went to Tashun White's residence, did you
20 let her or anybody at that residence know you were
21 coming?

22 A Before arriving to the house?

23 Q Yes, sir.

24 A We did not.

25

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1 Q So similarly to Derrick, you went there
2 unannounced, correct?

3 A Yes, sir.

4 Q Were you actually there when officers went to
5 Ms. Tashun White's residence?

6 A I was not.

7 Q Do you know what officers were there?

8 A Yes, sir.

9 Q Who are they?

10 A Well, the primary agent in charge was Officer
11 Mickla (phonetically).

12 Q Mickla?

13 You went to Derrick White's residence to execute
14 that search warrant, correct?

15 A Correct.

16 Q With respect to the -- I don't know if I'd call it
17 a garage, but the place where all those cars were
18 housed.

19 The Camaro, where was that?

20 A The classic Camaro or the 2010 Camaro were located
21 in the warehouse associated with Jimmy McWherter and
22 Nicholas Hale.

23 Q When you went to the warehouse, you actually went
24 there, correct?

25

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1 A Yes, sir.

2 Q And when you went there, were you part of the first
3 group of officers to go to that location?

4 A I was not.

5 Q So officers went there executed -- did they execute
6 a search warrant there?

7 A Yes, sir.

8 Q They did that without you, correct?

9 A Yes, sir.

10 Q Everything you testified to those officers told you
11 what you had found or you saw subsequent to the search
12 warrant?

13 A Well, when the search warrant of that warehouse was
14 conducted, it was secured.

15 And prior to anything being labeled or tagged or
16 searched more thoroughly and seized I had arrived.

17 Q So same day then?

18 A Yes, sir.

19 Q Okay. And all of the things that you testified to,
20 all of the exhibits, all of the things that were of
21 evidentiary value from that warehouse, you took pictures
22 of, correct?

23 A Yes, sir.

24 Q And you took into -- you took that into evidence.
25

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1 correct?

2 A Yes, sir.

3 Q Similarly with respect to the execution of a search
4 warrant at Derrick's house, you took into evidence
5 anything of evidentiary value, correct?

6 A Yes, sir.

7 Q Took pictures and all that, correct?

8 A Yes, sir.

9 Q Now with respect to the search of Ms. White's home
10 what was taken into evidence there; anything?

11 A Tashun White?

12 Q Yes.

13 A She refused to give consent to search her home.

14 Q Are you sure she did not give consent, sir?

15 You were not there, so before you say that she did
16 not, I want to make sure.

17 Are you sure she did not give consent?

18 A That's what I was told, yes.

19 Q But you -- you're not -- are you saying she did not
20 or you're not sure?

21 A I'm saying that I'm sure I was told that she did
22 not give consent to search the home.

23 Q Okay. Now if she did give consent to search the
24 home and something of evidentiary value was found
25 certainly you as the lead officer would expect that be

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1 taken into evidence, correct?

2 A Sure.

3 Q When we say "taken into evidence," I mean the
4 police take it, bag it, all that stuff, right?

5 A Yes, sir.

6 Q What was taken from Tashun White's house, bagged
7 taken pictures of that you know of?

8 A Nothing.

9 Q Any watches?

10 A No.

11 Q Any jewelry?

12 A Again, we couldn't get to that point because we
13 didn't have permission to search the home.

14 Q If her home had been searched, you would have
15 expected them to take out any jewelry that might show
16 that she profited from this, correct?

17 A I mean -- I hesitate because I don't want to be
18 all-encompassing and say a simple watch or simple ring
19 would be seized; it would be something of monetary value
20 that would be consistent.

21 THE COURT: Mr. Jordan, we have an objection.

22 MR. GILMER-HILL: Objection, calls for
23 speculation.

24 THE COURT: That's sustained. Lay a
25 foundation for what he knows. He can testify to what he

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1 knows.

2 If he wasn't there, he certainly can't testify to
3 that. So focus on the things that he knows.

4 MR. JORDAN: I understand. May we have a side
5 bar, Your Honor?

6 THE COURT: Sure.

7 Okay. Just a minute for our jury.

8 (The following was held at the bench,
9 outside the hearing of the jury)

10 THE COURT: Carol, this is a test.

11 MR. JORDAN: He's testifying to what other
12 officers did and he's been doing that throughout the
13 testimony of Mr. Gilmer-Hill. He did not have personal
14 knowledge of everything he testified for.

15 THE COURT: That was up to you to object.

16 MR. JORDAN: I did. I objected to relevance.

17 THE COURT: Relevance isn't foundation.

18 Relevance is the material he's talking about,
19 doesn't have to do with this case.

20 MR. JORDAN: Okay.

21 Judge, I can call the officer if that's what Carl
22 Gilmer-Hill wants me to do. But, quite frankly -- we
23 can do that. I'm trying to save time here.

24 I'm just asking --
25

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1 THE COURT: To testify to what he knows.

2 MR. JORDAN: But I think he knows what they
3 found, judge.

4 THE COURT: What did they find?

5 MR. JORDAN: They didn't find anything.

6 THE COURT: He said that.

7 MR. JORDAN: Right.

8 I was asking if they had found something, they
9 certainly would have tagged it. I believe that was the
10 objection; wasn't that the objection?

11 MR. GILMER-HILL: I believe the questions
12 posed by Mr. Jordan two or three were if.

13 Or are you saying she didn't consent you did not
14 search her house?

15 But if, if she had consented what would they have
16 found if she had consented.

17 MR. JORDAN: Sorry?

18 THE COURT: I think your question was --

19 MR. GILMER-HILL: That's speculation.

20 THE COURT: -- if she had consented and you
21 searched the house and you found something, would you
22 have tagged it.

23 MR. JORDAN: Yeah. That's not speculation.

24 THE COURT: It's not important to the case.

25

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1 because none of that happened.

2 MR. JORDAN: But let me tell you why it's
3 important, because they didn't find any of that value.
4 They did search her house.

5 I'm laying the foundation to argue he didn't find
6 anything.

7 THE COURT: Let me make sure I understand the
8 facts.

9 She did not consent, they then went, got a search
10 warrant?

11 MR. JORDAN: I'm sorry.

12 I think in the discovery you will see in the
13 consent I think he's wrong about that, that's why I kept
14 asking questions.

15 Go ahead. I'm sorry.

16 MR. GILMER-HILL: Frankly on that particular
17 point as I stand here this afternoon, I would have to go
18 back to whether she consented to the search of her
19 house. I do know there was no search warrant for her
20 house or anything like that.

21 THE COURT: She was -- ultimately it was
22 searched.

23 MR. JORDAN: She's going to testify she
24 consented to a search.

25

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1 I believe he can testify they did not find anything
2 as the officer in charge and I believe he can also
3 testify had -- if he found something, they would have
4 tagged it. That's not speculation.

5 THE COURT: As long as you lay the foundation,
6 that's fine.

7 MR. GILMER-HILL: The question that I had
8 objected to was based upon the way it was phrased
9 because it was kind of too far afield not -- if they
10 had -- if she had consented you would have tagged
11 anything that was found.

12 MR. JORDAN: I'll clean it up, judge. I'm
13 sorry.

14 THE COURT: Take it step by step.

15 (The following was held in open court)

16 THE COURT: I bet you wish we didn't get that
17 fixed.

18 Go ahead, Mr. Jordan.

19 BY MR. JORDAN:

20 Q My question to you is anyone who is a defendant in
21 a case, if you search that person's residence, you, as
22 an officer, an experienced officer, know that you are
23 going to take anything of evidentiary value, of course,
24 correct?

25

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1 A Well, again, I've got to pause because drugs can be
2 evidence.

3 But if it's not a drug search warrant, it's a
4 document warrant. We can't take those without obtaining
5 the proper authorization.

6 Q Are you familiar, officer, with this particular
7 exhibit book, the exhibit book that you've been
8 referring to?

9 A Possibly it's the same as this, yes.

10 Q It is the same.

11 A Yes.

12 Q Did you go through this exhibit book prior to
13 testifying today?

14 A With the documents I was going to speak of, yes.

15 Q With respect to that exhibit book, is there
16 anything in that exhibit book that comes from Tashun
17 White's house?

18 A If there is, I would not be aware of it.

19 Q But you are the officer in charge.

20 Ms. White is standing here charged with something
21 very serious.

22 Certainly if there's any evidence against her you
23 would be familiar with it, would you not?

24 A Yes.

25

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1 Q What evidence in that book was taken from Tashun
2 White's house, if you know, sir?

3 A I do not know of it if it's contained in this book.

4 Q So you've testified for quite some time about
5 money.

6 There are pictures in that exhibit book of money,
7 correct?

8 A Yes, sir.

9 Q And the sums of money that you've testified to I
10 believe you said \$2.6 million alone was found in an
11 apartment in Royal Oak, correct?

12 A Yes, sir.

13 Q And you also had discussed large sums of money with
14 Mr. McDonough and Mr. Hale, correct?

15 A Yes, sir.

16 Q When you talked about large sums of money, it was
17 about the money they made traveling from Michigan to
18 Arizona and back, correct?

19 A Yes, beyond that however.

20 Q And what is beyond that as well?

21 A Well, to try to get a handle on who's making the
22 money, who has the most money.

23 You asked about who's in charge in this case
24 Derrick and Leshoun.

25

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1 So in order to further understand how much money
2 they could make and profit, you ask how much -- if they
3 have an idea how much they could make as well.

4 Q There's no question that Leshoun benefited from
5 this enterprise in a monetary fashion, correct?

6 A Yes.

7 Q There's no question that Derrick White benefited in
8 a monetary fashion, correct?

9 A Yes.

10 Q There's no question that Jimmy McWherter and his
11 wife, Christy McWherter, benefited monetarily, correct?

12 A Yes.

13 Q Nicholas Hale benefited monetarily, correct?

14 A Yes.

15 Q Greg Johnson benefited monetarily?

16 A Yes.

17 Q Do you have any evidence to show Tashun White
18 benefited from this enterprise monetarily?

19 A Well, we're aware of cash deposits that are going
20 in her bank.

21 Q If you make a deposit and you make a withdrawal,
22 you do not necessarily get any of that money, correct?

23 A Correct.

24 Q Is there anything that shows Tashun White at any
25 time benefited monetarily from this enterprise; yes or

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1 no, sir?

2 A Yes.

3 Q What is that?

4 A Again, I'd say suspicious cash deposits that go
5 into her bank account.

6 Q Let me stop you there.

7 When you say "suspicious cash deposits," what made
8 those deposits so suspicious, sir?

9 A Random, random dollar amounts.

10 Q Let me stop you there. Random dollar amounts.

11 I am a lawyer. I deposit sometimes 5000, sometimes
12 500.

13 When you say "random amounts", be more specific if
14 you will about why these random amounts were suspicious
15 to you.

16 A Sure.

17 We became aware recently of amounts under \$100 up
18 to \$5,000 that were deposited into her bank account.

19 Q Let me stop you there.

20 When you say "recently," are you talking about
21 within the last week, the last month?

22 When are you talking, sir?

23 A I'd say within the last two weeks.

24 Q So within the last two weeks you are telling me
25 that Ms. Tashun White made deposits that are -- make you

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1 suspicious that she might be benefiting still from this
2 enterprise?

3 A I'm saying we became --

4 MR. GILMER-HILL: Your Honor, objection.
5 Misleading, confusing.

6 THE COURT: Rephrase your question.

7 MR. JORDAN: Okay. I'll rephrase.

8 BY MR. JORDAN:

9 Q You said that within the last two weeks there was
10 some suspicious activity with respect to Ms. Tashun
11 White's account, correct?

12 A Well to be clear, we discovered that there was
13 historic activity that took place associated with her
14 accounts and that discovery was made within the last few
15 weeks.

16 Q Sir, when did you start this investigation of
17 Derrick White and the others?

18 A 2010.

19 Q So this investigation has been going on for about
20 six years?

21 A Sure.

22 Q And you're telling me that just within the last
23 couple of weeks you found something that makes you even
24 more suspicious of Tashun White?

25

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1 A Absolutely.

2 Q This case was set for trial well before two weeks
3 ago, was it not, sir?

4 A It was.

5 Q As a matter of fact, this case, my understanding,
6 was supposed to go to trial I believe way back this
7 Summer I think was the first trial day?

8 A July.

9 Q So you've continued your investigation of Ms. White
10 as this case is going on?

11 A Yes.

12 Q So other than what you are saying might be
13 suspicious bank account deposits or withdrawals,
14 anything else that you found that ties Tashun White to
15 this enterprise?

16 A Well, the bank activity, the vehicles.

17 Q Let me stop you there. So you said the bank
18 account.

19 Now let's go to the vehicles.

20 A Yes, sir.

21 Q Somebody talked about the Lamborghini.

22 How much was it worth?

23 A There were two.

24 The first one was a little over 300 -- excuse me.

25 I think right on \$320,000.

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1 The second one, approximately, \$170,000.

2 Q Now the \$320,000 car you would agree with me not
3 that many people can afford that; would you agree with
4 that?

5 A I would.

6 Q Not even \$170,000 car; would you agree with that?

7 A Yes.

8 Q Did Ms. White have anything to do with that
9 \$300,000 car directly?

10 A Well, I'd have to review, see which, which of those
11 for the insurance records if she insured either one of
12 those.

13 But if it was then, yes, that would be a direct
14 link to that vehicle.

15 Q But, Officer Campbell, we're in trial with
16 Ms. White today and I'm asking you about this \$320,000
17 car and if Ms. White had any dealings with it.

18 Can you say to these jurors today, yes Miss White
19 had something to do with it or you do not know?

20 A I'm not going to speak to the insurance records.
21 We have someone else to do that.

22 Q What about -- do you have -- you talked to Leshoun
23 Byrd, correct?

24 A Well, see, thank you for asking.

25

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1 I want to clarify that of those seven defendants,
2 six have plead guilty. But we have not sat with every
3 one of them, including Derrick White and Leshoun Byrd.

4 Q You're going to trial with one individual, that
5 would be Ms. Tashun White?

6 A Yes.

7 Q When you go to trial, it's not the first time
8 you've been officer in charge of a trial, correct?

9 A Correct.

10 Q When you go to trial, you go to trial to win it, do
11 you not?

12 A Absolutely.

13 Q So you want to get all evidence you can from that
14 person saying they're not guilty, right?

15 A Yes, we did.

16 Q What evidence do you have that Ms. White had to do
17 with that \$320,000 Lamborghini?

18 A We're going to be bringing an expert from that
19 company to attest to that as opposed to me looking at a
20 document and saying what I believe it states.

21 Q You testified for about three hours about documents
22 you did not have dealings with personally, correct?

23 Didn't you talk about some titles to cars?

24 A The review of them, yes.

25

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1 Q So I'm asking did you review anything with that
2 \$320,000 car that shows you Tashun White had anything to
3 do with it.

4 If you did not personally, then just say no.

5 A On the insurance side, no, sir.

6 Q You keep saying on the insurance side.

7 Ms. White could have purchased that car herself,
8 correct?

9 A Records do not indicate that for the Lamborghini.

10 Q Had she done that, she certainly could use that as
11 evidence she had something to do with that Lamborghini
12 that?

13 A Yes, sir.

14 Q Did she purchase it?

15 A She did not.

16 Q What about that \$170,000 car, did she purchase
17 that?

18 A She did not.

19 Q Did you talk to all of these other defendants about
20 three vehicles?

21 Did you talk to Leshoun, did you talk to Christi,
22 talk to Jimmy about the cars in this case?

23 A We spoke with those that would speak with us and we
24 would bring up, when appropriate, about particular
25

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1 vehicles.

2 Q Well. When you say "when appropriate," isn't it
3 appropriate when you're sitting with a defendant to ask
4 them about all the evidence that things shows they're
5 guilty?

6 A Yes, over the course of the interview if they're
7 open to speaking with us.

8 However, some individuals chose not to answer the
9 questions or speak with us at all.

10 Q But my understanding as you testified for the bulk
11 of this morning, this afternoon, is that a lot of your
12 information came from these individuals who chose to
13 speak to you, correct?

14 A Yes.

15 Q So are you saying they're willing to talk to you
16 about some things and then they claim up about others?

17 A No.

18 A lot of times in these investigations in an effort
19 to protect their assets and their role in the
20 investigation --

21 Q I'm sorry, sir. I have to stop you there. I want
22 you to focus on this particular investigation.

23 My question to you was these individuals that you
24 spoke to, did they talk about some things and then not
25 talk about others or did they open up and talk about

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1 this enterprise?

2 A No. That's what I'm trying to explain is in this
3 investigation, it's clear that there's
4 compartmentalization.

5 What that is in an effort to protect their assets,
6 their residence, their role in the organization they'll
7 keep other people unaware of what others are doing.

8 Q Let me stop you there.

9 So you just said that some of these individuals who
10 were part of this organization they try to keep certain
11 things secret from other members of the organization,
12 correct?

13 A Absolutely.

14 Q So it very well could be that they kept all this
15 stuff you testified to this morning, they could very
16 well have kept that from Miss White, correct?

17 A Well in some instances, but we weren't able to
18 speak with everyone to know exactly what was going on.

19 Q My question to you is this.

20 Do you have any hard evidence to show that
21 Ms. Tashun White knew about that warehouse; yes or no?

22 A None.

23 Q Do you have any evidence at all to show that Tashun
24 White knew about that what -- was it a Red Roof Inn?

25

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1 What was that place you took a picture of?

2 A Hilton Gardens.

3 Q Anything to show Ms. Tashun White had anything
4 dealing with Hilton Gardens?

5 A I can't prove that, no.

6 Q But you can prove that some of these other
7 individuals did, correct?

8 A Correct.

9 Q As a matter of fact because the prosecutor asked
10 you once you learned about that information if you could
11 corroborate it, right?

12 A Yes.

13 Q Not only did you corroborate it, you flew all the
14 way out to Arizona took pictures of that place, correct?

15 A Yes.

16 Q You went and got the ledger, what have you, to show
17 that somebody had actually stayed there that confirmed
18 what you'd been told, correct?

19 A Yes, sir.

20 Q But throughout all that investigation, Tashun
21 White's name didn't come up, did it?

22 A Through the course of this investigation it has,
23 but not in relation to the hotel. No, sir.

24 Q Not in relation to the hotel, not in relation to
25 any residences in Arizona, correct?

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1 A Correct.

2 Q Not in relation to that warehouse, correct?

3 A Correct.

4 Q Not in relation to the Lamborghini, correct?

5 A Again for insurance records, I'll stipulate to the
6 expert that will testify to those on review of the
7 documents.

8 Q What do you know, as the officer in charge, what
9 insurance do you know that Tashun White was involved in?

10 A Well, there's numerous vehicles.

11 Q Well, let me stop you there.

12 You said "numerous vehicles." I want the jury to
13 understand.

14 So we're talking about a 2008 Porsche, correct?

15 A Yes, sir.

16 Q 2009 Porsche, correct?

17 A Yes, sir.

18 Q We're talking about another 2009 Porsche Turbo,
19 correct?

20 A Yes, sir.

21 Q We're talking about a Porsche I can't pronounce
22 Panamera?

23 A I believe it's Panamera.

24 Q Panamera.

25

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1 Then we're talking about a '67 Camaro?

2 A Uh-huh.

3 Q We're talking about an '08 Challenger --

4 A Yes, sir.

5 Q -- that was purchased in Merryville, Indiana.

6 Right?

7 A Yes, sir.

8 Q Then we're talking about a minivan, correct?

9 A Yes, sir.

10 Q Then we're also talking about a Town and Country
11 and a Windstar, correct?

12 A Yes, sir.

13 Are there any vehicles other than the ones I just
14 mentioned and the Lamborghini and the other \$170,000
15 vehicle, are there any other vehicles I'm missing out
16 on?

17 MR. GILMER-HILL: Objection, Your Honor.
18 Confusing.

19 THE COURT: Sustained. Well, I suppose --

20 MR. JORDAN: I'm sorry, Your Honor.

21 If he's not --

22 THE COURT: Excuse me.

23 If they were in the exhibits this morning, if there
24 were other vehicles that have not been mentioned, feel
25 free to mention them.

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1 BY MR. JORDAN:

2 Q The vehicles that I mentioned are the vehicles
3 you're familiar with, correct?

4 A I am.

5 Q Any other vehicles I left out that relate to this
6 investigation?

7 A Yes.

8 Q Okay. But of the ones I mentioned to you, the
9 Porsche, the Pana -- the pan -- what is it?

10 A Panamera.

11 Q Panamera, the Town and Country and Windstar, those
12 are the ones I want you to focus on, perhaps the
13 prosecutor will ask you questions about others.

14 Of those vehicles, that's nine vehicles, do you
15 know which one Tashun White had any dealings with?

16 A Well, again, as indicated, they're so voluminous
17 that I'm going to refer to the insurance documents for
18 the person that's -- see, there's so many that we have
19 one person to come in just to speak to that.

20 Q I understand that. I'm not worried about any
21 vehicles except for the ones that relate to Tashun
22 White.

23 So I'm asking you as the officer in charge of this
24 case to just direct your attention to the ones that
25 Ms. White is charged to have dealt with.

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1 THE COURT: Mr. Jordan, at this point I'll
2 sustain the previous objection.

3 He can only testify to the portion of the case he's
4 familiar with.

5 So move to your next area of questioning.

6 MR. JORDAN: May I lay a foundation, Your
7 Honor? Because you said he can only --

8 THE COURT: If you can.

9 BY MR. JORDAN:

10 Q You testified about much of this case as things you
11 did not actually seize yourself, correct?

12 For example, you didn't touch every single one of
13 those watches, correct?

14 A Correct.

15 Q But you are going to testify to them, what,
16 because you are the officer in charge, right?

17 A Yes.

18 Q I'm simply asking you as the same officer in charge
19 to testify about the vehicles you know Ms. White dealt
20 with.

21 Can do you that or is that out of your area of
22 being able to testify to?

23 A It's certainly out of my area.

24 I mean on the watches, for example, I'm asked for a
25 dollar amount, that's easy \$500,000.

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1 But if you ask me how the interworkings of a watch
2 worked or what specific vehicle of ten was insured by a
3 person, I'm certainly going to get an expert as the case
4 agent to speak on my behalf and the Government's behalf
5 for that.

6 Q Okay. As the officer in charge, you know that
7 Tashun White was a target in this case, correct?

8 A Yes, sir.

9 Q And she's a target in this case because she's
10 supposed to have laundered some money, correct?

11 A Yes, sir.

12 Q She was supposed to have done that through getting
13 insurance for her brother, correct, through cars?

14 A Not only -- well, yes, in addition to the purchase
15 of vehicles.

16 Q Okay. So if it's not a fair question please, you
17 know, try to answer it.

18 But you can't tell us what cars she purchased?

19 A Certainly. The 2008 Dodge Challenger.

20 Q 2008 Dodge Challenger?

21 A Yes, sir.

22 Q Okay. How much was that car worth?

23 A Approximately, \$50,000.

24 Q 50,000.

25

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1 You would agree with me that that's not an
2 exorbitant sum for a car these days 50,000?

3 A Personally, yeah.

4 Q Yeah, me, too.

5 But it certainly doesn't shock the conscious like a
6 \$100,000 car, wouldn't you agree?

7 A No.

8 Q So we got a \$50,000 Challenger. What else?

9 A She's affiliated with a 2010 Porsche.

10 Q That's the Panamera?

11 A I think so.

12 Q How much is that Panamera worth?

13 A She got it for zero per the documents.

14 Q You're testifying now about her dealings.

15 So I want to make sure you feel comfortable doing
16 so.

17 A Understood.

18 Q Okay. You're saying that she paid zero for the
19 Panamera?

20 A Well, I'm testifying to the document that I
21 reviewed which shows the transfer.

22 Q Okay.

23 A Upon sale, the sale price that she received the
24 money for was 82,500, and then an additional 5000 cash
25 was paid out --

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1 Q Okay. Now --

2 A -- approximately.

3 Q Do you know how you all of that occurred?

4 Do you know who touched that cash and all of that?

5 A Do not.

6 Q So really all you know is that she had some
7 dealings with this Porsche Panamera, she had some
8 dealings with it that, ultimately, was her brother's?

9 A Well, in regards to who touched the cash, I can't
10 says every one individual, but I know that it did go
11 through her sole bank account.

12 Q But you don't know if she walked in with \$80,000
13 cash, do you, or whether she went in with a cashier's
14 check.

15 You don't know, do you?

16 A Well, it's my understanding that a cashier's check
17 was sent to her and deposited into her account and then
18 later transferred to her brother, Derrick White.

19 Q And through the course of your investigation, what
20 did she receive for that?

21 A Well, you know, there's a lot of options.

22 Q No, I'm not asking you to speculate.

23 Through the course of your investigation, could you
24 tell us this jury what she received for it?

25

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1 A Just --

2 Q Let me stop, because you testified about somebody
3 getting a hundred dollars each time they went to
4 California or Arizona?

5 A \$100 per pound.

6 Q So you testified about what people received from
7 this organization, correct?

8 A Yes, sir.

9 Q So for Ms. White dealing with this Panamera, what
10 did she receive?

11 A We haven't had a chance to speak with her to find
12 out.

13 Q Well, is it you haven't had a chance to speak with
14 her or are you expecting her to tell you something that
15 she said I don't have any information.

16 That's different, isn't it? I'll withdraw the
17 question, Your Honor.

18 Okay. Let's go to the next, next vehicle. There
19 was you said the Challenger for 50,000, the Panamera.
20 That was the other vehicle she dealt with?

21 A Again I'm going to refer to the insurance
22 representative to testify to which exact vehicle she
23 helped to ensure.

24 Q But you said that there were several vehicles and
25 by my listening to the testimony, my review of discovery

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1 I see that was involved with three.

2 Do you have any reason to believe there was more
3 then three she might have been involved with?

4 A Yes, I know she insured multiples, we'll say at
5 least two on the insurance side.

6 But then the purchase of at least two, the
7 financial dealings and tight link of at least two
8 vehicles.

9 Q That would be four, correct?

10 A Yes.

11 Q Four vehicles over the course of what amount of
12 time?

13 A I think that ranges from 2008 through 2011.

14 Q So three years.

15 A Three years on the vehicle side.

16 Q That constitutes a lot of transactions to you;
17 three transactions in four years?

18 THE COURT: Sustained.

19 MR. JORDAN: Judge, I'm asking him to base --
20 I'll lay a foundation.

21 BY MR. JORDAN:

22 Q You've dealt with cases of laundering before,
23 correct?

24 A Yes, sir.

25

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1 Q You've dealt with cases involving vehicles before,
2 correct?

3 A Yes, sir.

4 Q Now someone saying they've dealt with four vehicles
5 or four transactions I should say of vehicles in three
6 years or is it the opposite? Four vehicles I think in
7 four years.

8 But, in any event, this is a lot to you?

9 THE COURT: Just a minute.

10 MR. GILMER-HILL: Objection, Your Honor.
11 Confusing and misleading.

12 MR. JORDAN: I'll rephrase.

13 THE COURT: Okay. And try not to assume facts
14 not in evidence.

15 MR. JORDAN: Certainly, Your Honor.

16 BY MR. JORDAN:

17 Q You, based on your experience, consider the number
18 of transactions that Ms. White dealt with pertaining to
19 cars to be a lot?

20 A To be a lock?

21 Q A lot. You said numerous.

22 This is numerous to you?

23 A Well, it's the multitude of what's taking place
24 over the investigation and then the dollar amount that
25 she's attributed with.

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1 Money laundering doesn't have a cap of it's got to
2 be over a certain million dollar mark.

3 Q Sir, my question to you is about the number of
4 transactions, not the monetary amount.

5 You said numerous transactions. I'm asking you
6 based on your investigation --

7 THE COURT: Just a minute.

8 MR. GILMER-HILL: Objection, Your Honor,
9 misstates the testimony.

10 THE COURT: Yes. Exactly. The testimony
11 related to cash deposits and things of that nature.

12 So if you want to start at the beginning, just
13 start at the beginning we'll see what his answers are.
14 You can get right where you want to go.

15 BY MR. JORDAN:

16 Q You did use the word numerous, did you not, when I
17 asked you about Ms. White's dealings.

18 Wasn't that your term "numerous"?

19 A For vehicles, yes.

20 Q So my question to you is quite simple.

21 You believe her transaction with respect to these
22 vehicles is numerous?

23 A Absolutely.

24 Q Okay. What about the monetary amounts that she,
25 herself, benefited.

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1 You can't say that she made a dime off of this,
2 correct?

3 A On the cash deposits into her bank accounts, I
4 can't account for what she did with that money, what it
5 was designated for.

6 Q Let me stop you there.

7 Someone else in this case was charged with money
8 laundering, too, correct?

9 A Yes, sir.

10 Q Would that have been the McWherters or one of them
11 or both of them?

12 A Yes. Multiple people.

13 Q Who was charged with -- was Christi McWherter
14 charged with money laundering?

15 A Yes, sir.

16 Q Her husband?

17 A Yes, sir.

18 Q You know that proceeds that they received from this
19 enterprise, they built a pool at their house, didn't
20 they?

21 A Yes, sir.

22 Q How much was that pool? Over \$100,000, wasn't it?

23 A Yeah \$120,000.

24 Q So the McWherters built \$120,000 pool and this
25 would have been at a time when Mr. McWherter really

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1 wasn't working a legitimate job, right?

2 A Correct.

3 Q And Miss McWherter wasn't working a legitimate job,
4 correct?

5 A She was employed at a legitimate job, yes.

6 Q But the bulk of their income came from this
7 enterprise?

8 A Yes, sir.

9 Q During the course of your investigation, did you
10 find Tashun White made any additions to her house
11 similar to the McWherters?

12 A No, sir.

13 Q During the course of your investigation, did you
14 find that Ms. Tashun White went out and personally,
15 herself, bought a high end vehicle to drive to and from
16 work?

17 A No, sir.

18 Q As a matter of fact, did you look to see where
19 Ms. White was working during the time that this
20 enterprise was going on?

21 A Yes.

22 Q Was she gainfully employed?

23 A Yes.

24 Q Where was she gainfully employed?

25

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1 A Corinthian College.

2 Q Do you know what her job title was?

3 A She's held many within that employment --

4 Q And --

5 A -- employer.

6 Q -- do you know that the job that she's held at
7 Everest have allowed her to make a six figure income;
8 are you aware of that?

9 A Recently.

10 THE COURT: Just a minute.

11 MR. GILMER-HILL: Objection, relevance.

12 MR. JORDAN: It's kind of difficult for me not
13 to, because I want to respond.

14 But since we're not doing it that way --

15 THE COURT: Just a couple of words.

16 What's the relevance of this to your case?

17 MR. JORDAN: Judge, to say that this is not
18 relevant, how much money this woman makes, do you
19 really --

20 THE COURT: No, we won't do this.

21 MR. JORDAN: I think it's pretty clear it's
22 relevant, judge.

23 THE COURT: I'll permit you to ask one more
24 question then we'll move on.

25

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1 MR. JORDAN: Judge, may we approach?

2 THE COURT: Regarding the --

3 Ms. McWherter's -- ask your question, let's see where
4 you're going with it.

5 BY MR. JORDAN:

6 Q My question simply was you are aware during the
7 period of this time that Ms. White, herself, was not
8 only gainfully employed, she had a six figure income.

9 You said yes right you learned of that?

10 A I said recently became aware, yes.

11 Q Did you check to see what her employment was back
12 during the time she was supposed to be helping out this
13 enterprise?

14 A Yes.

15 Q And what was she doing then?

16 A It wasn't six figures.

17 Q But she was still working, correct?

18 A She was.

19 Q When you say "it wasn't six figures", do you have
20 any reason, based on your investigation, to think that
21 she was supplementing her income through this
22 enterprise?

23 Did you come up with anything to show that?

24 A Not through the bank statement that we received.

25

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1 Q Okay. Now Derrick White had something called Ace
2 Five Properties.

3 He had 20 investment properties, correct?

4 A Approximately. Yes, sir.

5 Q Ms. Tashun White, did her name ever come up with
6 those investment properties?

7 A Well, possibly.

8 Q I don't want you to guess; either it came up or it
9 did not.

10 A Without the opportunity to speak with her and ask,
11 there's reason to believe she could have been, yes.

12 Q Okay. But through anyone else, through any of
13 these other defendants, did any one of them say she had
14 something to do with Ace Five Properties?

15 A No.

16 Q Now you went -- I believe it was you.

17 Did you go and speak to Ms. White, Tashun White's
18 mother?

19 MR. GILMER-HILL: Your Honor, I apologize.

20 May we approach very briefly?

21 THE COURT: Why don't we use this as an
22 opportunity to take a short break for the jury to
23 stretch.

24 Please rise for the jury and we'll come get you in
25 five to 10 minutes.

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1 (Whereupon the jury was excused
2 from the courtroom at 3:15 p.m.)

3
4 THE COURT: Okay, Mr. Gilmer-Hill.

5 MR. GILMER-HILL: I simply wanted to make a
6 record as to some of the questions that counsel is
7 posing appear to be eliciting from Agent Campbell
8 comments with regard to Ms. Tashun's -- whether Miss
9 Tashun White spoke with us or not, not, not questions
10 from the Government, questions from defense.

11 THE COURT: Yes, I've noticed that.

12 MR. GILMER-HILL: I wanted to alert the Court
13 to that and counsel so that there's not any mistakes
14 made or any misinterpretation with regard to her Fifth
15 Amendment privilege.

16 MR. JORDAN: I don't think that -- if I've
17 opened the door to that, judge, it's fine.

18 I'm not going to say that the prosecutor has
19 elicited any testimony from this witness. It's on
20 cross.

21 If I open the door, then I open the door, judge,
22 it's fine. But she's going to testify anyway, quite
23 frankly. But either way, I don't think that we have a
24 Fifth Amendment problem. He hasn't talked about her not
25 willing to talk to me.

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1 THE COURT: The Fifth Amendment, it's your
2 clients, so as long as you and your client are clear
3 that the questions you're asking do not violate her
4 privilege against self incrimination then I think the
5 record is protected.

6 MR. GILMER-HILL: Thank you, Your Honor.

7 MR. JORDAN: Do I have time to run?

8
9 (Whereupon court was in recess at
10 3:17 p.m. and was back in session at
11 3:24 p.m. the jury was brought into the
12 courtroom)

13
14 THE COURT: Please be seated. And we will
15 conclude at 4:00 today, so hang in there with us.
16 You've been doing a great job, so thank you.

17 Okay. Go ahead, Mr. Jordan.

18 MR. JORDAN: Thank you.

19 BY MR. JORDAN:

20 Q Agent Campbell, are you aware someone went to speak
21 to Ms. Tashun White and Derrick White's mother?

22 A The mother, yes.

23 Q Were you one of the agents that went to speak to
24 her?

25 A Yes, sir.

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1 Q And what was your purpose for going to speak to
2 her?

3 A Just to gain her knowledge about this
4 investigation, what she knows that can be of assistance.

5 Q Now my understanding is that -- what is Derrick
6 White, Tashun's White's mother's name?

7 A Alicia White.

8 Q So Miss Alicia White, she actually had insured some
9 of the cars brought up during this trial, correct?

10 A I'd have to -- not to my knowledge, top of my head.

11 Q I thought that it was actually on direct testimony
12 that you testified that Alicia had dealt with -- grab my
13 notes here.

14 Didn't Alicia White deal with the '67 Camaro?

15 Wasn't it insured in her name?

16 A No, sir, registered in her name.

17 Q Registered in her name.

18 Now the fact that it was registered in her name but
19 was really Derrick's car, correct?

20 A Yes, sir.

21 Q Did you consider charging Alicia White with a
22 similar crime as to what Ms. Tashun White is charged
23 with?

24 A You know she's clearly a nominee for the fact of
25 money laundering.

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1 THE COURT: Just a minute.

2 MR. GILMER-HILL: Objection, relevance.

3 THE COURT: Yes. Sustained.

4 MR. JORDAN: Judge, may we please --

5 THE COURT: Certainly.

6 MR. JORDAN: -- have a side bar?

7

8 (The following was held at the

9 bench, outside the hearing of

10 the jury)

11 THE COURT: I think there's a jury instruction

12 about it's not the jury's business to know why others

13 were charged.

14 MR. JORDAN: That's not why I'm asking.

15 THE COURT: You just asked him -- just a

16 minute.

17 Did you consider charging Derrick White's mother,

18 her mother?

19 MR. JORDAN: Yes.

20 THE COURT: What is the purpose?

21 MR. JORDAN: The purpose is if she did the
22 same conduct or similar conduct -- judge, may I finish?

23 THE COURT: That's the purpose of the jury
24 instruction.

25 MR. JORDAN: Can I finish, judge?

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1 THE COURT: You and I don't know the answer to
2 that.

3 Mr. Gilmer-Hill and the agents they know the
4 answers to that.

5 I don't know anything about the level of evidence,
6 the beyond a reasonable doubt, *et cetera*. We don't know
7 about that and that's exactly why we don't expose the
8 jury to that.

9 MR. JORDAN: I'm ready. I just have to get my
10 response.

11 THE COURT: Go ahead.

12 MR. JORDAN: Our theory of the case is that
13 Tashun White didn't do anything really criminal at all,
14 it's the prosecutor saying she did simply because they
15 want to use her.

16 If there's somebody out there and the prosecutor
17 used their discretion to say I'm not going to charge
18 this person and not that, I certainly think that's
19 relevant. That is relevant, judge.

20 How can you sit there and say it's not relevant?

21 THE COURT: Slow down.

22 MR. JORDAN: They went and interviewed the
23 person's giving them information similar to what this
24 person did and they decide to charge one and not the
25 other.

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1 He's the officer in charge and that's not relevant?

2 THE COURT: Okay. Let me let Mr. Gilmer-Hill
3 respond.

4 MR. GILMER-HILL: I don't think there's been
5 any indication that Alicia White insured vehicles for
6 Derrick White.

7 THE COURT: But what is the appropriateness of
8 inquiring into the agent's decision as to who to charge.
9 That's what I want to focus on.

10 MR. GILMER-HILL: I do not think it's
11 appropriate or relevant to this case.

12 I was speaking to even the -- to the extent that
13 Mr. Jordan attempts to argue that there's some theory
14 that would make it relevant, I observe that his
15 underlying presumption for that theory is not there. So
16 even if it were, I don't think it would be relevant.
17 But even what he's offering is not supported.

18 MR. JORDAN: I haven't put on my case yet,
19 judge. I may very well lay a foundation.

20 When Ms. White gets up there she'll tell you me and
21 not my Mom.

22 THE COURT: Recall the agent if somehow the
23 mother becomes relevant. But it's not appropriate for
24 the jury to be concerned about who was not charged in
25 this case. There's a specific instruction about that so

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1 eliciting --

2 MR. JORDAN: I am allowed to ask him about his
3 questioning of her certainly.

4 THE COURT: Sure. Sure.

5 (The following was held in open court)

6 BY MR. JORDAN:

7 Q So you went to speak to Ms. Alicia White, correct?

8 A Yes, sir.

9 Q When you spoke to Miss Alicia White, you were
10 trying to find out whether or not she could give you
11 some information pertaining to this case, correct?

12 A Yes, sir.

13 Q Now you spoke to Ms. Alicia White twice is that not
14 correct, on two occasions?

15 A In a formal interview setting.

16 Q Either way?

17 A I've spoken with her five times including phone
18 conversations.

19 Q When you spoke to her, did you write down any
20 notes?

21 A Not on every occasion.

22 Q But on some occasions you did?

23 A Sure.

24 Q Now did you ask her about Tashun White?

25 A In part, yes.

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1 Q And she didn't give you any information to indicate
2 that Tashun White was involved in this, did she?

3 MR. GILMER-HILL: Objection, hearsay.

4 THE COURT: Sustained.

5 MR. JORDAN: Judge, I'm not asking for a
6 statement, I'm just asking did she give you any
7 information. Information --

8 THE COURT: Information is a statement. So
9 it's sustained.

10 BY MR. JORDAN:

11 Q Was anything of any evidentiary value gained after
12 you spoke to Ms. Alicia White as it relates to Tashun?

13 A I didn't seize any physical evidence, but there was
14 information that was passed on to the prosecutor.

15 Q Information that would tend to show Ms. White
16 committed this crime?

17 A Information indicating that she should have known
18 some things.

19 Q That information was given to the prosecutor?
20 When was that information given to the prosecutor?

21 A Just in conversation following the interviews.

22 I guess in short, if I may explain?

23 Alicia White's claim that she was a failing health
24 so we wanted to speak with her to see if we could
25 possibly release her from having to come to testify so

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1 that was the purpose.

2 So upon conclusion of that interview, I updated the
3 prosecutor as to how that conversation went.

4 Q So you were going to call her, have her come here
5 and testify?

6 A She's still subpoenaed. Yes, sir.

7 Q What can she add as relates to Tashun White's guilt
8 or innocence to this?

9 A She can add intimate knowledge about what the
10 family knew about other family members.

11 Q Did she tell you she knew anything about Tashun
12 White as relates to money laundering. No, right?

13 A Well, again, you know, it's not like she could say,
14 yeah, I know she purchased two cars for Derrick or
15 insured cars for Derrick.

16 But she can give us or shared information with us
17 that indicated she should have known some of the
18 activity that was happening with her brother.

19 Q Did she also give you information that Derrick
20 White had received a large settlement at some point in
21 his life?

22 A I'm sorry.

23 Q A large settlement at some point?

24 THE COURT: Just a minute.

25

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1 MR. GILMER-HILL: Objection, hearsay.

2 MR. JORDAN: Judge, I'm not offering it for
3 the truth of the matter asserted. I'm not offering it
4 for truth of the matter asserted.

5 THE COURT: I think you are.

6 MR. GILMER-HILL: Objection, relevance.

7 THE COURT: Yes. So it's sustained on the
8 hearsay. Go ahead.

9 MR. JORDAN: But I didn't ask for a statement,
10 judge. I simply said did she give you any information.

11 THE COURT: Information is --

12 MR. JORDAN: Information could be something
13 that someone is given personal, like a bank statement,
14 judge.

15 THE COURT: This was a conversation.

16 So why don't you ask did you walk away with paper
17 that --

18 BY MR. JORDAN:

19 Q I think I said did you get anything of any
20 evidentiary value after you spoke.

21 A No evidence was seized, just notes. I did maintain
22 notes. I generated a report as a result of that
23 interview.

24 Q Okay.

25

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1 You did say that you transcribed some notes after
2 you spoke to the mother?

3 A Not after, but during our conversation there's four
4 pages of notes.

5 Q Okay. Those are the notes you gave to the
6 prosecutor?

7 A No. Those notes are scanned and maintained in our
8 own system in DEA and in the case file.

9 What was passed on to the prosecutor was a report
10 generated as a result of the interview.

11 Q So you did give him a report about that?

12 A Yes, sir.

13 Q And in that report it discusses you're asking her
14 questions about this case?

15 A Yes.

16 Q And about Ms. White specifically?

17 A Yeah. I mean there were specific questions. But,
18 yes.

19 Q So you've already indicated that Ms. White's role
20 here was not to handle any drugs, correct?

21 A Correct.

22 Q It was not to transport any drugs, correct?

23 A Correct.

24 Q You've already established that you could not find
25 anything to show that she took any money she gained from

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1 this and went out and bought a pool or anything like
2 that.

3 Nothing like that surfaced, correct?

4 A No. No pool.

5 Q Okay. Or anything that would raise some suspicion;
6 a fur coat, a trip to Las Vegas, anything?

7 A Well as far as the bank statements, you know, again
8 that's a specialty that's going to be talked about
9 during this trial.

10 Q So, Agent Campbell, take your focus away from any
11 bank notes, take your attention away from any
12 transactions involving insurance.

13 I simply want you to focus in on things like True
14 Religion Jeans, Rolex watches, speedboats, anything to
15 indicate that Ms. White spent money that she gained from
16 this enterprise on anything such as that?

17 A Okay. Well, for money laundering to happen, there
18 doesn't have to be an exchange.

19 Q I'm not asking that question, sir.

20 I'm simply saying from this case Ms. White, not
21 asking you about theory of money laundering, Miss Tashun
22 White anything to show during the course of this
23 investigation she took money and bought any high end
24 items, anything.

25

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1 Do you have any evidence of that?

2 A No, sir.

3 MR. JORDAN: I've no further questions.

4 THE COURT: Mr. Gilmer-Hill, do you have
5 redirect?

6 MR. GILMER-HILL: No, thank you, Your Honor.

7 THE COURT: Okay. Well then, Agent Campbell,
8 you may step down.

9 (The witness was excused
10 at 3:37 p.m.)

11 THE COURT: Are you prepared to call your next
12 witness?

13 MR. GILMER-HILL: Yes, Your Honor.

14 THE COURT: If you'll take any water you were
15 drinking with you.

16 We sometimes have the situation of the witness
17 leaves the water, then I see the next witness going like
18 this and I'm going stop, so I'm trying to talk care of
19 that problem.

20 Okay. So who would you like to call next?

21 MR. GILMER-HILL: Your Honor, if I may have a
22 moment to check the status as to our witnesses --

23 THE COURT: Oh sure.

24 MR. GILMER-HILL: -- as to what their
25 immediate status is.

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1 THE COURT: Yes, certainly. What we do during
2 trials is we do what we call sequester witnesses.

3 Unless you're a case agent and you're part of the
4 prosecution or you're the defendant, you're not
5 permitted to be in the courtroom listening to other
6 people's testimony.

7 So the case agent or the lawyers will have their
8 witnesses in the hallway and near by a restaurant.

9 Do we know the next witness is available?

10 (After a short delay, the proceedings
11 continued)

12 MR. GILMER-HILL: I don't know the answer to
13 that.

14 THE COURT: The other thing I can tell you
15 remember during jury selection we were talking about how
16 real life cases don't proceed the way they do on
17 television.

18 Here's an example where on television the witness
19 is up there. But in real life we know they've just
20 stepped away and made a call so we make -- we're just
21 patient with that.

22 MR. GILMER-HILL: I apologize, Your Honor.

23 Actually the next two if not three witnesses
24 actually have been here the last couple of days.

25

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1 Given the way the cross examination was developing
2 and the Court's indication we're breaking at four, I
3 believe that they left. Prematurely dismissed.

4 THE COURT: Okay. All right.

5 Well then in that case so this is exactly that
6 example where it doesn't do like television.

7 So what we'll do is we will excuse the jury for the
8 day, we'll conclude our work for today. I appreciate
9 your enormous patience and attention. I can tell
10 everybody's focused.

11 So remember not to discuss the case with family,
12 co-workers, neighbors other people you might interact
13 with.

14 You can tell them you're serving as a juror but
15 nothing about the case. Or and, please, also don't
16 discuss it among yourselves until the very end of the
17 case.

18 So with that, please rise for the jury and we'll be
19 back at 9 a.m. and go until one.

20 (Whereupon the jury was excused at 3:40 p.m.)

21 THE COURT: Mr. Jordan, we have a hearing at
22 four in this case for the witness who wants to take The
23 Fifth.

24 MR. JORDAN: I thought that witness -- I
25 thought Mr. Gilmer-Hill said he was gone. Is that --

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1 THE COURT: That person -- I don't know what
2 order that person's coming in. My case manager
3 scheduled her or him at 4:00 with a lawyer.

4 But in the meantime to make use of our time, I'd
5 like to talk about the jury instructions off the record
6 with you just to get a couple of -- so I'll come down
7 there.

8 (Whereupon court was in recess at 3:41 p.m.

9 Whereupon court was back in session at
10 4:01 p.m.)

11 THE COURT: Could we have appearances, please.

12 MR. GILMER-HILL: Certainly, Your Honor.

13 Carl Gilmer-Hill with the United States Attorneys
14 Office appearing on behalf of the United States.

15 MR. KRIGER: Good afternoon, Your Honor.

16 Mark Kriger along with Allison Kriger on behalf of
17 Mr. Heraud who is a potential witness.

18 THE COURT: Okay. And Mr. Jordan on behalf of
19 Ms. White?

20 MR. JORDAN: Yes. Yes, Your Honor.

21 And I actually -- there was something that I needed
22 to take up that pertains to our trial today. I didn't
23 know whether you wanted do that or do this first.

24 THE COURT: Let's do this first.

25

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1 I see Mr. Kriger is using a cane and I'm concerned
2 about his health.

3 MS. KRIGER: I'm okay, judge.

4 THE COURT: You're all right? Okay. We'll
5 take care of this.

6 I assume you want to be here for this, Mr. Jordan?

7 MR. JORDAN: Yes, Your Honor.

8 THE COURT: Okay.

9 MS. KRIGER: I'm much better, judge.

10 THE COURT: I'm glad you're feeling better.

11 So I understand that we have a witness in this case
12 who wishes to plead the Fifth Amendment Right to not
13 incriminate himself.

14 MR. KRIGER: Correct, Your Honor. He is in
15 the courtroom.

16 THE COURT: Bring him up here. Does he need
17 to sit?

18 (Whereupon the witness approached the podium)

19 THE COURT: Okay. So could you please state
20 your name.

21 THE WITNESS: My name is Gary A. Heraud.

22 THE COURT: Okay. H-e-r-a-u-d.

23 All right. And, Mr. Kriger, I understand your
24 witness or your client would like to plead the Fifth
25 Amendment and believes that he could be exposed to

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1 possible prosecution if required to testify truthfully
2 under oath.

3 MS. KRIGER: That's correct. And I can give
4 the Court some background.

5 THE COURT: Okay.

6 MR. KRIGER: Well, they're really two I think
7 important cases.

8 One is *Hoffa v United States*. And I called the
9 Court earlier today, gave the cites of the cases I would
10 be relying on today.

11 If the Court --

12 THE COURT: I've got it right here.

13 MR. KRIGER: Okay. So in *Hoffman*, United
14 States Supreme Court ruled that if it is apparent from
15 the context of the case no offer of proof needs to be
16 made as to why it would incriminate him.

17 The second case that I think is important is *In Re*
18 *Morganroth*. In that case, Mr. Morganroth who's an
19 attorney licensed to practice law in the State of
20 Michigan, said he would invoke his Fifth Amendment
21 privilege.

22 And the Sixth Circuit says, well, unless -- if
23 they're just innocent questions, unless it's clear from
24 the context you can't just take a blanket assertion of
25 The Fifth.

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1 In this case as I understand the allegations that
2 there is a -- there was a conspiracy to launder monetary
3 instruments. Okay.

4 According to I think it's a DEA 6 that I received,
5 Mr. Heraud made a statement which as in the first place
6 this is more like the *Morganroth* situation, that I
7 understand the Government does not feel is truthful.

8 But one of the allegations in the indictment is the
9 purchase of an Aston Martin vehicle. It was Mr. Heraud
10 that sold that vehicle. So I think from that context
11 it's very clear.

12 Now I understand that this sale took place many
13 years ago and there could be an argument it's -- I don't
14 know the statute of limitations so where is the
15 exposure.

16 And the exposure is and I gave you the *Dietrich*
17 case. In the *Dietrich* case it says if you're involved
18 in an ongoing conspiracy, in a money laundering
19 conspiracy which is plead in this indictment and it
20 continues on even if you don't continue on yourself, the
21 acts of the co-conspirators would make you liable unless
22 you have an affirmative withdrawal.

23 There has been no affirmative withdrawal as I
24 understand in this case.

25

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1 There's also the other issue, Your Honor, of
2 although this isn't the DEA 6, but I understand that --
3 well, that there's -- since there is an allegation that
4 he was not truthful in this statement there would be a
5 1001 violation.

6 There is one other matter I don't feel comfortable
7 saying in the court, but I would certainly do *in camera*
8 as an offer of proof.

9 THE COURT: Well, first of all, I think I need
10 to hear from the prosecution what they intend to ask
11 your client and whether it touches upon the areas that
12 you've just discussed.

13 So -- because I need to be reassured that the
14 answers would, in themselves, support a conviction under
15 a federal criminal statute or that it would furnish a
16 link in the chain of evidence needed to prosecute the
17 claimant for a federal crime. So I think state crimes
18 are involved as well.

19 So can I find out that first?

20 MR. GILMER-HILL: Yes, Your Honor. Hopefully
21 you'll allow me some leeway since I knew nothing about
22 this until we were about to begin the 2:00 session.

23 I knew -- the suggestion was made Mr. Heraud did
24 not want to appear before the Court and there's been
25 some discussions with co-counsel, Miss Kriger, but in

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1 terms of today, but I can respond.

2 THE COURT: Okay.

3 MR. GILMER-HILL: It won't be as fully as I
4 otherwise might have. I'd be happy to take care of
5 this.

6 Since we're in the middle of trial, I just assume
7 take care of this now as I actually have discussed or
8 attempted to discuss with counsel the area of inquiry
9 that the Government intends to elicit from Miss Heraud
10 at trial is actually very narrow and circumscribe.

11 Counsel is correct that Mr. Heraud made some
12 broader statements when he was interviewed before, but
13 we do not intend to impinge upon that information or go
14 into any of those areas.

15 The limited nature of the inquiry that we have for
16 Mr. Heraud at trial relates to his sale in August of
17 2006 of an Aston Martin to Derrick White and the fact
18 that it was a cash transaction that occurred in a
19 parking lot with another individual present who
20 physically then got up and went into the Secretary of
21 State and filed the title as to that Aston Martin.
22 That's essentially the nature of our inquiry for Mr.
23 Heraud.

24 THE COURT: You'll ask him whether he went to
25 a parking lot with an Aston Martin that he sold to

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1 somebody else who gave him cash and then met somebody
2 else and went into the Secretary of State?

3 MR. GILMER-HILL: Yes. But just so the
4 courts -- that he went to this parking lot and met with
5 Derrick White.

6 THE COURT: Derrick White?

7 MR. GILMER-HILL: And a third individual, a
8 woman who then went into the Secretary of State and
9 registered the vehicle.

10 Circumscribe relates to events that occurred in
11 2006, it relates to events, information that Mr. Heraud
12 has, frankly, already provided voluntarily.

13 And there's no -- it's not because, as counsel
14 observes, it is well past the statute of limitation.

15 THE COURT: What is the statute of limitation?

16 MR. GILMER-HILL: Five -- it would be five
17 years as it would be five years as to that action --
18 that transaction.

19 THE COURT: What about Mr. Kriger's arguments
20 that this is part of a conspiracy and that he did not
21 affirmatively withdraw from the conspiracy?

22 MR. GILMER-HILL: Well, I believe two things.

23 I believe Mr. Kriger said at several points as I
24 understand as I understand he also said as I understand
25 it's my understanding and recollection actually during

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1 the same debriefing where we obtained the statements
2 from Mr. Heraud I guess reaffirming earlier occasions
3 when he made similar identical statements to law
4 enforcement about this meeting in the parking lot Mr.
5 Heraud indicated a few other things.

6 He indicated that not only -- he indicated that
7 Derrick White himself had wanted to go clean.

8 THE COURT: Wanted to go clean?

9 MR. GILMER-HILL: To go clean to and I think
10 that related to --

11 THE COURT: I guess all I care about -- I care
12 all about these things, but the things I care about
13 right now is what questions you're going to ask in the
14 course of this trial, not what he said earlier.

15 MR. GILMER-HILL: So --

16 THE COURT: Let me just ask you, Mr. Kriger,
17 what is or you, Mr. Gilmer-Hill, is there anything
18 unlawful about selling an Aston Martin for cash in a
19 parking lot?

20 I have to be reasonably assured that the answers
21 would support a conviction of the witness for violating
22 a federal or state criminal statute or that they would
23 furnish a link in the chain of evidence and I don't know
24 any. It doesn't sound illegal to me.

25

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1 MR. JORDAN: Your Honor, right the sale of an
2 Aston Martin in a parking lot, even if it's a cash
3 transaction, I don't think there's any reporting
4 requirement because it's not in his trade or business.

5 But I think *Hoffman* is really instructive here. In
6 *Hoffman* all they asked this fellow if he knew somebody's
7 whereabouts, completely innocent. It was a link in the
8 chain of evidence.

9 One of the issues in this case is a money
10 laundering issue that he purchased vehicles he made.

11 THE COURT: "He" is who?

12 MR. JORDAN: Mr. White, a defendant who has
13 plead guilty.

14 I don't think that changes the analysis that he
15 conducted financial transactions and that was part of
16 the money laundering and the financial transaction was
17 conducted with my client.

18 But there's another really important thing here.
19 The Government has already made the statement that they
20 don't believe that all this statements he made in his
21 interview were truthful.

22 Now credibility is always an issue and those could
23 be subject to cross examination and I don't think we can
24 limit the scope of cross examination at least on the
25 issue of credibility. And so that's another separate

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1 problem.

2 There's a third problem, Your Honor, that I would
3 address *in camera*. But those two, I think, are more
4 then sufficient that he has a proper invocation of Fifth
5 Amendment.

6 The Government certainly has the ability to compel
7 his testimony and that's an option. And if he's
8 prepared to compel his testimony then, of course, he
9 will testify because there is no risk of incrimination
10 once it's compelled.

11 THE COURT: Mr. Gilmer-Hill, do you have a
12 response?

13 One of the issues I just heard is that on cross
14 examination certain information could come out that
15 would tend to incriminate him either for lying to the
16 DEA or something else being a part of this conspiracy.

17 MR. GILMER-HILL: Thank you, Your Honor, that
18 does jog my memory with regard to the several points
19 that Mr. Kriger just raised.

20 As to the first point that he raised which I
21 believe related to any possible 1001 violation. I don't
22 think that that would be implicated given the very again
23 narrow nature of the testimony that the Government
24 intends to elicit from Mr. Heraud. So that's my
25 response as to that issue that he raises.

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1 Relatedly with regard to the cross examination and
2 actually I remember a third aspect.

3 But relatedly as to cross examination again with
4 the narrow scope of inquiry by the Government that
5 should go a long ways, but counsel does -- I mean I
6 understand the point that Mr. Kriger is raising for the
7 first instance to me from Mr. Heraud as to that narrow
8 spin on things, if you will.

9 If I may, there is a, perhaps -- relatedly, there
10 is a third aspect. The Court's initial comment was that
11 you don't see anything illegal about buying an Aston
12 Martin in a parking lot for cash.

13 THE COURT: I don't know if it's illegal or
14 not. I'm asking you. Doesn't sound like it.

15 MR. GILMER-HILL: I suspect not.

16 And in that regard, Mr. Kriger's reference to the
17 indictment of Mr. White and Mr. White's intentions and
18 efforts laundering money are distinguishable from
19 Mr. Heraud's participation in a transaction.

20 If the individual participating in the transaction
21 doesn't hit all the elements it doesn't matter that Mr.
22 White does if Mr. Heraud does not.

23 So just because Mr. White commits money laundering
24 through this transaction that does not mean that
25 Mr. Heraud does.

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1 And then lastly the other point that I'll -- I, in
2 disclosure I guess want to bring to the Court's
3 attention, I'm sure counsel for Ms. White already knows
4 from the discovery, the Aston Martin which Mr. Gary
5 Heraud sold to Derrick White was at the time titled in
6 the name of Brent Heraud, Gary Heraud's son, I believe
7 at the time of that transaction. That's not anything
8 that the Government need get into with regard to our
9 narrow scope of inquiry.

10 And, again, even if that goes to credibility, if
11 Mr. Jordan wants to cross examine Mr. Heraud about that
12 fact, he's certainly welcome to at his potential peril.

13 But even if he does, that would not expose
14 Mr. Heraud to any criminal exposure relating to the 2006
15 sale of an Aston Martin in the parking lot that was in
16 the name of his son at the time. It's in that regard
17 the statute of limitation becomes relevant.

18 MR. KRIGER: But the problem --

19 THE COURT: Mr. Kriger, let me just say for
20 what I'm hearing, the question -- the questions are
21 going to be very limited.

22 And I can permit your client to invoke the Fifth
23 Amendment as to questions that go into some area where
24 he could be exposed to criminal liability and limit him
25 to answering only those questions where he absolutely

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1 has no risk.

2 MR. KRIGER: Well, if he's asked at all about
3 the Aston Martin, Your Honor, that would, I think,
4 clearly be a risk because -- without getting into any
5 details.

6 What his knowledge is of where these proceeds came
7 from 10,000 in cash -- there's another case I didn't
8 give to the Court I think is instructive. That's *Ohio*
9 *versus Reiner*.

10 That's a case where the Supreme Court was faced
11 with a situation where a defendant was charged with the
12 manslaughter of the murder of his child under the shaken
13 baby syndrome.

14 And he called -- the defendant called to the stand
15 the babysitter who spent time with that child. It's
16 clear there is nothing illegal about being a babysitter
17 without question.

18 THE COURT: Correct.

19 MR. KRIGER: What happens is she invokes the
20 Fifth and then they compelled her testimony and he had a
21 grant of immunity.

22 The case went up to United States Supreme Court on
23 whether it was prejudicial to the defendant that the
24 Court had granted her immunity and the Court said even
25 though he had completely denied any complicity or any

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1 involvement in the death of this child, it was a link in
2 the chain of evidence because she spent time with that
3 child and that she had the right to invoke the Fifth
4 even though he completely denied any involvement in the
5 death of that child. I did bring a copy of that case.

6 But the point here is, Your Honor, this is an
7 ongoing money laundering conspiracy if you look at the
8 count in the indictment.

9 THE COURT: Count Three on page six.

10 MR. KRIGER: I'm sorry.

11 Count Three on page six you said, Your Honor?

12 THE COURT: That's what I remember.

13 MR. KRIGER: In or about June of 2006
14 continuing through the date of this indictment which is
15 within the statute of limitations.

16 So if there's an ongoing money laundering
17 conspiracy and it's charged as a conspiracy and he takes
18 money for an Aston Martin, that is a financial
19 transaction that constitutes money laundering and he has
20 knowledge or even if he doesn't have knowledge, it's a
21 link in the chain of evidence.

22 I think it's apparent that he has a risk of
23 incrimination.

24 I mean Hoffman, the questions by themselves seem
25 innocuous.

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1 Do you know where this man's whereabouts is?
2 What's -- what's a crime? Do you know certain people?

3 But the Supreme Court held that that was a
4 sufficient link in the chain of evidence that they would
5 permit him to invoke the Fifth. And, again, we still
6 have the issue of the 10001 violation.

7 THE COURT: Okay. You indicated that you had
8 something you would submit to the Court?

9 MS. KRIGER: *In camera*.

10 THE COURT: *In camera*. I think that would be
11 helpful to making this decision.

12 Did you have anything right now, Mr. Gilmer-Hill?

13 MR. GILMER-HILL: While it's fresh in my head
14 at least as to the point that Mr. Kriger was just making
15 as to his citation to a case which really I've not read
16 nor had an opportunity to review, it sounded like he was
17 making reference to a homicide prosecution as to which
18 the statute of limitation -- certainly there's no
19 statute of limitation as to homicide as far as I'm aware
20 which would be markedly different. It's a markedly
21 different scenario.

22 THE COURT: Has the statute run for -- let's
23 assume that Mr. Heraud is potentially a member of this
24 conspiracy.

25

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1 Has the statute run in that case?

2 Because what --

3 MS. KRIGER: *Dietrich*, the *Dietrich* case.

4 THE COURT: What date was the indictment
5 returned? What date did this operation stop?

6 MR. GILMER-HILL: The indictment itself was
7 returned in January of 2015.

8 The language I believe in the indictment is that of
9 2006 through the present which would have been
10 January 2015.

11 THE COURT: We're still within the statute for
12 a member of a conspiracy.

13 So what I want to do is hear the *in camera* material
14 and I can turn on the white noise and we can go to the
15 side bar.

16 MR. JORDAN: However the Court wants to do it.

17

18 - - - - -

19 (Whereupon an in camera sealed hearing
20 was held and transcribed in a separate
21 volume)

22

23 (Whereupon the proceedings continued)

24 THE COURT: So where is Mr. Jordan and Ms.
25 White?

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1 MR. GILMER-HILL: I had advised he may very
2 well still be in the lobby. I suggested he check.

3 (The following was held in open court)

4 THE COURT: Mr. Campbell, can you look for
5 them?

6 MR. GILMER-HILL: Would you want to make sure
7 he waives his presence or client's presence?

8 THE COURT: All right.

9 Well, Mr. Jordan, I wanted to make sure you had the
10 opportunity to be here during all stages of the
11 proceedings and your client as well.

12 You can certainly waive your presence and your
13 client's presence.

14 MR. JORDAN: Actually, I don't think I ever
15 made my appearance on the record that's why I thought it
16 was okay to leave. I never stated my appearance.

17 THE COURT: I'm sorry.

18 MR. JORDAN: What I want need to address -- I
19 can address that at some point tomorrow; it wasn't
20 anything major.

21 THE COURT: Okay.

22 MR. GILMER-HILL: For the clarity I think that
23 the appearance as part of these proceedings if it was,
24 Your Honor, at this point and I both feel confident we
25 can waive both of our appearances.

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1 THE COURT: Okay. Fantastic. All right.

2 So what I'd like to indicate now on the record is
3 we'll seal the portion of the record that was at the
4 side bar just now.

5 And what was indicated to me at the side bar in
6 this sealed proceeding is that enough information was
7 set forth that I am confident that Mr. Heraud can
8 properly invoke the Fifth Amendment right against self
9 incrimination; and that if questioned on some of the
10 information in the indictment, there could certainly be
11 answers that would support a conviction of the witness
12 for violating a federal or state criminal statute or
13 that his answers would at least furnish a link in the
14 chain of evidence needed to prosecute him for violating
15 the federal or state criminal statute.

16 And in light of the fact that the Government is
17 indicating there would be only a handful of questions,
18 there certainly could be cross examination that could
19 lead to this material as well, so both in the nature of
20 the direct and the cross.

21 I'm concerned that this possibility exists and so
22 the Court will grant Mr. Heraud the right to invoke this
23 privilege and I think that concludes this.

24 MR. GILMER-HILL: Well and in that regard
25 then, Your Honor, I note that Mr. Kriger himself had

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1 observed the potential of immunity being an avenue by
2 which Mr. Heraud's testimony could still be presented.

3 THE COURT: Absolutely.

4 MR. GILMER-HILL: So I guess while we're on
5 the record, I want to make sure that that was in place
6 so I could have those discussions with Mr. Kriger.

7 THE COURT: You may.

8 You'd like to engage in those discussions with Mr.
9 Kriger so you may grant immunity to this witness?

10 MR. KRIGER: I think my co-counsel,
11 Ms. Kriger, has indicated that short of a compulsion
12 order he is not interested. But if he gets a compulsion
13 order, he will comply with the order of the Court.

14 THE COURT: Okay. So that's for you yet to
15 decide what you're doing.

16 MR. KRIGER: Right.

17 If the orders there, he will be in court and
18 testify truthfully. He's required to.

19 MR. GILMER-HILL: Given that then the subpoena
20 remains in place that will allow me an opportunity to at
21 least investigate whether that's something for our
22 office to pursue.

23

24 MR. KRIGER: Thank you.

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(Whereupon court was in recess
for the day at 4:30 p.m.)

CERTIFICATE OF COURT REPORTER

I certify that the foregoing is a correct transcript
from reported proceedings in the above-entitled
matter.

s/Carol S. Sapala, FCRR, RMR May 8, 2017